



UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/31/372 *v 601.1*
7 December 1976

ORIGINAL: ENGLISH

Thirty-first session
Agenda item 35

INCENDIARY AND OTHER SPECIFIC CONVENTIONAL WEAPONS WHICH
MAY BE THE SUBJECT OF PROHIBITIONS OR RESTRICTIONS OF
USE FOR HUMANITARIAN REASONS

Report of the First Committee

Rapporteur: Mr. Kedar Bhakta SHRESTHA (Nepal)

1. The item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons: report of the Secretary-General" was included in the provisional agenda of the thirty-first session on the basis of General Assembly resolution 3464 (XXX) of 11 December 1975.
2. At its 4th plenary meeting, on 24 September 1976, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd meeting, on 5 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 34 to 50 and 116. The general debate on these items took place at the 20th to 39th meetings, from 1 to 19 November.
4. In connexion with item 35, the First Committee had before it a report of the Secretary-General (A/31/146).
5. On 30 November, Algeria, Austria, Egypt, Ethiopia, Ireland, Jordan, Kenya, Mexico, the Netherlands, Norway, Sweden, Tunisia, Venezuela and Yugoslavia submitted a draft resolution (A/C.1/31/L.30), which was subsequently also supported by Kuwait. The draft resolution was introduced by the representative of Sweden at the 48th meeting, on 1 December. A statement on the administrative and financial implications of the draft resolution (A/C.1/31/L.38) was submitted by the Secretary-General on 1 December.
6. At its 50th meeting, on 2 December, the First Committee adopted draft resolution A/C.1/31/L.30 without a vote (see para. 7 below).

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RECOMMENDATION OF THE FIRST COMMITTEE

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Incendiary and other specific conventional weapons which may
be the subject of prohibitions or restrictions of use for
humanitarian reasons

The General Assembly,

Convinced that the suffering of civilian populations and combatants could be significantly reduced if general agreement can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Mindful that positive results as regards non-use or restriction of use for humanitarian reasons of specific conventional weapons would serve, in addition, as encouragement in the broader field of disarmament and might facilitate subsequent agreement on the elimination of such weapons which were completely banned for use,

Recalling that the issue of prohibitions or restrictions for humanitarian reasons of the use of specific conventional weapons has been the subject of serious and substantive discussion for a number of years, notably at the conferences of government experts held under the auspices of the International Committee of the Red Cross from 24 September to 18 October 1974 at Lucerne 1/ and from 28 January to 26 February 1976 at Lugano 2/ and at three sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and in the General Assembly since 1971,

Noting that the discussions and proposals regarding prohibition or restriction of use for humanitarian reasons of certain weapons have focused on napalm and other incendiary weapons, indiscriminate methods of using land mines, on perfidious weapons and weapons which rely for their effect upon fragments invisible on X-ray, on certain types of small calibre projectile which may be especially injurious and on certain blast and fragmentation weapons.

1/ For the report of this session of the Conference, see Conference of Government Experts on the Use of Certain Conventional Weapons (Lucerne, 24 September to 18 October 1974), International Committee of the Red Cross, Geneva, 1975.

2/ Ibid., (Second Session - Lugano, 28 January-26 February 1976), International Committee of the Red Cross, Geneva, 1976.

Noting that the issue will come before the fourth session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva from 17 March to 10 June 1977,

Convinced that the work of the fourth session of the Diplomatic Conference should be inspired by the sense of urgency and the wish to attain concrete results which was stressed in the appeal by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, 3/ concerning particularly the prohibition of the use of napalm and other incendiary weapons,

1. Takes note of the reports of the Secretary-General on the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts as regards the work of the Conference relevant to the present resolution; 4/

2. Invites the Diplomatic Conference to accelerate its consideration of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and to do its utmost to agree for humanitarian reasons on possible rules prohibiting or restricting the use of such weapons;

3. Requests the Secretary-General, who has been invited to attend the Diplomatic Conference as an observer, to report to the General Assembly at its thirty-second session on aspects of the work of the Diplomatic Conference relevant to the present resolution;

4. Decides to include in the provisional agenda of its thirty-second session the item entitled "Incendiary and other specific conventional weapons which may be the subject of prohibition or restrictions of use for humanitarian reasons".

3/ See A/31/197, annex IV, resolution 12.

4/ A/10222 and A/31/146.